

[DISCUSSION DRAFT]117TH CONGRESS
2^D SESSION**H. R.** _____

To amend the Lead-Based Paint Poisoning Prevention Act to provide for additional procedures for families with children under the age of 6, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCEACHIN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Lead-Based Paint Poisoning Prevention Act to provide for additional procedures for families with children under the age of 6, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lead-Safe Housing
5 for Kids Act of 2022”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

1 (1) according to the Centers for Disease Con-
2 trol and Prevention (CDC), on average between
3 2011 and 2016, approximately 590,000 or 2.5 per-
4 cent of children under the age of 6 in the United
5 States had elevated blood lead levels above the CDC
6 reference value of 3.5 micrograms per deciliter ($\mu\text{g}/$
7 dL);

8 (2) there is no safe blood lead level in children;

9 (3) according to the CDC, the effects of lead
10 poisoning are immediate and permanent—childhood
11 exposure to lead, even at very low levels, can have
12 lifelong consequences, including decreased IQ and
13 cognitive function, developmental delays, and behav-
14 ioral problems;

15 (4) higher exposures to lead at a young age can
16 cause seizures, coma, and even death;

17 (5) under current law, children whose families
18 participate in the Housing Choice Voucher Program
19 must have been identified as having an elevated
20 blood lead exceeding 3.5 micrograms per deciliter, as
21 established by the CDC, or exhibit symptoms of lead
22 poisoning before a lead hazard risk assessment oc-
23 curs; and

24 (6) while some localities have required property
25 owners to conduct risk assessments and abate lead

1 when a child under the age of 6 will reside in a
2 dwelling unit, the Massachusetts Fair Housing Cen-
3 ter recently sued the Massachusetts Department of
4 Public Health for instituting such a policy that the
5 Fair Housing Center argues led to augmented in-
6 stances of housing discrimination on the basis of fa-
7 milial status, as defined by section 802 of the Fair
8 Housing Act (42 U.S.C. 3602(k)), making housing
9 opportunities less available for families with children
10 and increasing the risk of homelessness for such
11 families.

12 **SEC. 3. AMENDMENTS TO THE LEAD-BASED PAINT POI-**
13 **SONING PREVENTION ACT.**

14 Section 302(a) of the Lead-Based Paint Poisoning
15 Prevention Act (42 U.S.C. 4822(a)) is amended—

16 (1) by redesignating paragraph (4) as para-
17 graph (5); and

18 (2) by inserting after paragraph (3) the fol-
19 lowing:

20 “(4) ADDITIONAL PROCEDURES FOR FAMILIES
21 WITH CHILDREN UNDER THE AGE OF 6.—

22 “(A) RISK ASSESSMENT.—

23 “(i) COVERED HOUSING DEFINED.—

24 In this subparagraph, the term ‘covered
25 housing’—

1 “(I) means housing receiving
2 Federal financial assistance described
3 in paragraph (1) that—

4 “(aa) was constructed prior
5 to 1978; and

6 “(bb)(AA) is public housing
7 (as such term is defined in sec-
8 tion 3(b) of the United States
9 Housing Act of 1937 (42 U.S.C.
10 1437a(b));

11 “(BB) receives project-based
12 rental assistance under section 8
13 of the United States Housing Act
14 of 1937 (42 U.S.C. 1437f);

15 “(CC) receives assistance
16 under the Housing Opportunities
17 for Persons With AIDS under
18 subtitle D of title VIII of the
19 Cranston-Gonzalez National Af-
20 fordable Housing Act (42 U.S.C.
21 12901 et seq.); or

22 “(DD) receives assistance
23 under the Supportive Housing
24 for Persons With Disabilities
25 under section 811 of the Cran-

1 ston-Gonzalez National Afford-
2 able Housing Act (42 U.S.C.
3 8013); and

4 “(II) does not include—

5 “(aa) single-family housing
6 covered by an application for
7 mortgage insurance under the
8 National Housing Act (12 U.S.C.
9 1701 et seq.); or

10 “(bb) multi-family housing
11 that—

12 “(AA) is covered by an
13 application for mortgage in-
14 surance under the National
15 Housing Act (12 U.S.C.
16 1701 et seq.); and

17 “(BB) does not receive
18 any other Federal financial
19 assistance.

20 “(ii) REGULATIONS.—Not later than
21 180 days after the date of enactment of
22 the Lead-Safe Housing for Kids Act of
23 2022, the Secretary shall promulgate regu-
24 lations that—

1 “(I) require the owner of covered
2 housing in which a family with a child
3 of less than 6 years of age will reside
4 or is expected to reside to conduct an
5 initial risk assessment for lead-based
6 paint hazards—

7 “(aa) in the case of covered
8 housing receiving public housing
9 assistance under the United
10 States Housing Act of 1937 (42
11 U.S.C. 1437 et seq.) or project-
12 based rental assistance under
13 section 8 of the United States
14 Housing Act of 1937 (42 U.S.C.
15 1437f), not later than 15 days
16 after the date on which a phys-
17 ical condition inspection occurs;
18 and

19 “(bb) in the case of covered
20 housing not described in item
21 (aa), not later than a date estab-
22 lished by the Secretary;

23 “(II) provide that a visual assess-
24 ment alone is not sufficient for pur-
25 poses of complying with subclause (I);

1 “(III) require that, subject to
2 subclause (III), if lead-based paint
3 hazards are identified by an initial
4 risk assessment conducted under sub-
5 clause (I), the public housing agency,
6 grantee, or the owner of the covered
7 housing shall—

8 “(aa) not later than 30 days
9 after the date on which the initial
10 risk assessment is conducted,
11 control the lead-based paint haz-
12 ards, including achieving clear-
13 ance in accordance with regula-
14 tions promulgated under section
15 402 or 404 of the Toxic Sub-
16 stances Control Act (15 U.S.C.
17 2682, 2684), as applicable, or
18 with regulations promulgated
19 under this section, as applicable;
20 and

21 “(bb) provide notice to all
22 residents in the covered housing,
23 and provide notice in the com-
24 mon areas of the covered hous-
25 ing, that lead-based paint haz-

1 ards were identified and will be
2 controlled within the 30-day pe-
3 riod described in item (aa) which
4 notice shall be provided in acces-
5 sible and alternative formats con-
6 sistent with the requirements
7 under section 504 of the Reha-
8 bilitation Act of 1973, the Ameri-
9 cans with Disabilities Act of
10 1990, and title VI of the Civil
11 Rights Act of 1964;

12 “(IV) provide that, to the extent
13 that the requirements under items
14 (aa) and (bb) of subclause (III) result
15 in additional costs, such items shall be
16 effective and apply only to the extent
17 that amounts to cover such additional
18 costs are provided in advance in ap-
19 propriation Acts; and

20 “(V) provide that there shall be
21 no extension of the 30-day period de-
22 scribed in subclause (III)(aa).

23 “(iii) EXCEPTIONS.—The regulations
24 promulgated under clause (ii) shall provide
25 an exception to the requirement under sub-

1 clause (I) of such clause for covered hous-
2 ing—

3 “(I) if the public housing agency,
4 grantee, or the owner of the covered
5 housing submits to the Secretary doc-
6 umentation—

7 “(aa) that the public hous-
8 ing agency, grantee, or owner
9 conducted a risk assessment of
10 the covered housing for lead-
11 based paint hazards during the
12 12-month period, or a reevalua-
13 tion of the covered housing, in-
14 cluding after any lead-based
15 paint hazards have been con-
16 trolled, during the 24-month pe-
17 riod preceding the date on which
18 the family is expected to reside in
19 the covered housing; for purposes
20 of this item, the term ‘reevalua-
21 tion’ means an activity performed
22 by a risk assessor certified under
23 sections 402 or 404 of the Toxic
24 Substances Control Act (15
25 U.S.C. 2682, 2684), as applica-

1 ble, subsequent to an initial risk
2 assessment and to completion of
3 any resulting lead-based paint
4 hazard control measures, includ-
5 ing a visual assessment of paint-
6 ed surfaces for deterioration and
7 limited dust and soil sampling,
8 where lead-based paint is still
9 present; and

10 “(bb) that clearance of lead-
11 based paint hazard control work
12 resulting from the risk assess-
13 ment described in item (aa) has
14 been achieved in accordance with
15 clause (II) or with regulations
16 promulgated under this section,
17 as applicable;

18 “(II) from which all lead-based
19 paint hazards have been identified and
20 removed and clearance has been
21 achieved in accordance with regula-
22 tions promulgated under section 402
23 or 404 of the Toxic Substances Con-
24 trol Act (15 U.S.C. 2682, 2684), as
25 applicable, or with regulations promul-

1 gated under this section, as applica-
2 ble;

3 “(III)(aa) if the dwelling unit is
4 unoccupied;

5 “(bb) if the public housing agen-
6 cy, grantee, or the owner of the cov-
7 ered housing, without any further
8 delay in occupancy or increase in rent,
9 provides the family with another com-
10 parable dwelling unit in the covered
11 housing that has no lead-based paint
12 hazards; and

13 “(cc) the common areas servicing
14 the new dwelling unit have no lead-
15 based paint hazards; and

16 “(IV) if the covered housing is in
17 compliance with the schedule for risk
18 assessment under the program under
19 which assistance is provided for the
20 housing and such schedule provides
21 that the period of time between the
22 most recent assessment and the next
23 assessment will not exceed 24 months.

24 “(B) RELOCATION.—Not later than 180
25 days after the date of enactment of the Lead-

1 Safe Housing for Kids Act of 2022, the Sec-
2 retary shall promulgate regulations to provide
3 that a family with a child of less than 6 years
4 of age that occupies a dwelling unit in covered
5 housing in which lead-based paint hazards were
6 identified, but not controlled in accordance with
7 regulations required under clause (ii), may relo-
8 cate on an emergency basis and without place-
9 ment on any waiting list, penalty (including
10 rent payments to be made for that dwelling
11 unit), or lapse in assistance to another dwelling
12 unit in covered housing that has no lead-based
13 paint hazards. Relocation shall be performed
14 consistent with the standards set forth under
15 the Uniform Relocation Assistance and Real
16 Property Acquisition Act of 1970 and any other
17 applicable Federal **【civil rights/ fair housing?】**
18 and nondiscrimination laws.”.

19 **SEC. 4. DEMONSTRATION PROGRAM FOR TENANT-BASED**
20 **HOUSING.**

21 (a) IN GENERAL.—Not later than 12 months after
22 the date of the enactment of this Act, the Secretary of
23 Housing and Urban Development shall establish and im-
24 plement a demonstration program under which—

1 (1) an owner of a dwelling for which tenant-
2 based rental assistance under section 8 of the
3 United States Housing Act of 1937 (42 U.S.C.
4 1437f) is provided and in which a child of less than
5 6 years of age will reside or is expected to reside
6 shall conduct, and cover the costs of, an initial risk
7 assessment for lead-based paint hazards in such
8 housing;

9 (2) the Secretary shall cover the costs of abate-
10 ment of any lead-based paint hazards identified pur-
11 suant to risk assessments paid for as provided under
12 paragraph (1); and

13 (3) the owner of any dwelling unit for which
14 abatement activities are conducted pursuant to para-
15 graph (2) is required, for a period to be determined
16 by the Secretary based on the cost or percentage of
17 the cost of such abatement activities covered by the
18 Secretary, to rent the dwelling unit only to a house-
19 hold assisted with tenant-based rental assistance
20 under such section 8.

21 (b) PROCEDURES AND REQUIREMENTS.—Under the
22 demonstration program, the Secretary shall establish pro-
23 cedures and requirements with respect to housing covered
24 by the demonstration program that are similar to the pro-
25 cedures and requirements applicable under paragraph (1)

1 of section 302(a) of the Lead-Based Paint Poisoning Pre-
2 vention Act (42 U.S.C. 4822(a)(1)) to housing covered by
3 such paragraph, except as otherwise modified by this sec-
4 tion.

5 (c) GEOGRAPHICAL DIVERSITY.—The Secretary shall
6 carry out the demonstration program under this section
7 in a variety of locations having high rates of lead poi-
8 soning, including urban areas and rural areas, in a man-
9 ner that ensures geographically diversity of housing as-
10 sisted under the program.

11 (d) CONSULTATION.—Public housing agencies pro-
12 viding rental assistance for dwelling units participating in
13 the demonstration program under this section shall con-
14 sult local public health agencies for records if such dwell-
15 ing units had a previous history of lead poisoning.

16 (e) MONITORING; REPORTING.—

17 (1) MONITORING.—The Secretary shall monitor
18 the extent of owner compliance and participation
19 under the demonstration program under this section
20 and shall assess the relationships between the period
21 of affordability required under subsection (a)(2), the
22 amount or portion of the cost of abatement activities
23 covered by the Secretary pursuant to such sub-
24 section, and the level of participation in the dem-
25 onstration program by landlords.

1 (2) ANNUAL REPORTS.—The Secretary shall
2 submit a report annually to the Congress on land-
3 lord compliance and participation in the demonstra-
4 tion program. Each such report shall—

5 (A) identify any changes in the rate of
6 owner compliance and participation from year
7 to year and from immediately before the imple-
8 mentation of the demonstration program to the
9 time of such report; and

10 (B) include an analysis of whether dis-
11 crimination occurred on the basis of race, color,
12 religion, sex, disability, familial status, or na-
13 tional origin in violation of the Fair Housing
14 Act in dwelling units to be assisted with tenant-
15 based rental assistance under section 8 of the
16 United States Housing Act of 1937.

17 (3) INVOLVEMENT OF OFFICE OF FAIR HOUS-
18 ING AND EQUAL OPPORTUNITY.—In conducting
19 monitoring pursuant to paragraph (1) and preparing
20 reports pursuant to paragraph (2), the Secretary
21 shall involve and consult with the Office of Fair
22 Housing and Equal Opportunity.

23 (4) FINAL REPORT.—Not later than the expira-
24 tion of the 6-month period beginning upon the ter-
25 mination of the demonstration program under sub-

1 section (i), the Secretary shall submit a final report
2 on the program to the Congress that shall include
3 the following information:

4 (A) ANNUAL REPORT INFORMATION.—All
5 information required to be submitted pursuant
6 to paragraph (2) in each annual report under
7 such paragraph.

8 (B) EFFECTIVENESS IN PREVENTING LEAD
9 POISONING.—Identification of—

10 (i) the overall number of dwelling
11 units where a risk assessment identified a
12 lead hazard before a child under age six
13 occupied the unit; and

14 (ii) if feasible, for each dwelling with
15 such an identified lead hazard—

16 (I) whether the unit had visual
17 signs of a lead hazard or had pre-
18 viously passed a visual inspection; and

19 (II) any documented cases of
20 lead poisoning in children previously
21 residing in the dwelling unit.

22 (C) ACTUAL COST.—Identification of—

23 (i) the actual cost of conducting pre-
24 occupancy risk assessments of dwelling
25 units, including the varying cost based on

1 the age, building type, and location of the
2 unit;

3 (ii) the actual cost of lead-based paint
4 hazard control activities conducted after a
5 risk assessment that indicated the presence
6 of a lead-based paint hazard in the partici-
7 pating units; and

8 (iii) the actual cost of the clearance
9 examination conducted after completion of
10 lead-based paint hazard control activities.

11 (D) PARTICIPATING TENANTS.—Identifica-
12 tion of—

13 (i) the number, age, race, and eth-
14 nicity of children who would have lived in
15 dwelling units where a lead hazard was
16 discovered after a pre-occupancy risk as-
17 sessment; and

18 (ii) the number, age, race, and eth-
19 nicity of children residing in dwelling units
20 in buildings in which a participating dwell-
21 ing unit having a lead-based paint hazard
22 is located.

23 (E) PARTICIPATING UNITS.—Identification
24 of—

1 (i) the age of participating dwelling
2 units;

3 (ii) the block in which participating
4 units are located and, if not available, the
5 census tract in which participating units
6 are located;

7 (iii) the type of building in which par-
8 ticipating units are located; and

9 (iv) the number of participating units
10 in which a lead-based paint hazard was
11 discovered.

12 (F) RISK ASSESSMENTS.—Identification
13 of—

14 (i) the number of lead-based paint
15 risk assessors available in each locality to
16 conduct risk assessments under the pro-
17 gram;

18 (ii) the amount of time elapsed from
19 making of a request for a risk assessment
20 until completion of the assessment; and

21 (iii) the public housing agency em-
22 ploying each lead-based paint risk assessor.

23 (f) PUBLIC AVAILABILITY OF INFORMATION.—The
24 Secretary shall make information collected pursuant to the
25 demonstration program under this section publicly avail-

1 able on the website of the Department in a manner that
2 does not provide any personally identifiable information
3 regarding individuals or households participating in the
4 program.

5 (g) DEFINITIONS.—For purposes of this section, the
6 terms “risk assessment”, “inspection”, “interim con-
7 trols”, and “lead-based paint hazard” have the same
8 meaning given such terms in section 1004 of the Residen-
9 tial Lead-Based Paint Hazard Reduction Act of 1992 (42
10 U.S.C. 4851b).

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated \$50,000,000 for fiscal years
13 **【2023 through 2027】** to carry out this section.

14 (i) TERMINATION.—The demonstration program es-
15 tablished under this section shall terminate 6 years after
16 the date of the enactment of this Act.

17 **SEC. 5. RISK ASSESSMENTS.**

18 Paragraph (25) of section 1004 of the Residential
19 Lead-Based Paint Hazard Reduction Act of 1992 (42
20 U.S.C. 4851b(25)) is amended—

21 (1) by redesignating subparagraph (E) as sub-
22 paragraph (G); and

23 (2) by striking subparagraphs (C) and (D) and
24 inserting the following new subparagraphs:

25 “(C) dust sampling;

1 “(D) soil sampling;
2 “(E) paint testing;
3 “(F) water testing; and”.

4 **SEC. 6. NOTICE TO ASSISTED FAMILIES REGARDING FAIR**
5 **HOUSING RIGHTS AND LEAD-BASED PAINT.**

6 Subtitle F of title V of the Quality Housing and Work
7 Responsibility Act of 1998 is amended—

8 (1) in section 578(c) (42 U.S.C. 13663(c)), by
9 striking “section 579(a)(2)” and inserting “section
10 580(a)(2)”;

11 (2) by redesignating section 579 (42 U.S.C.
12 13664) as section 580; and

13 (3) by inserting after section 578 (42 U.S.C.
14 13663) the following new section:

15 **“SEC. 579. NOTICE TO ASSISTED FAMILIES REGARDING**
16 **FAIR HOUSING RIGHTS AND LEAD-BASED**
17 **PAINT.**

18 “(a) REQUIRED PROVISION.—The Secretary shall re-
19 quire each public housing agency, grantee, and owner of
20 housing described in subsection (d) to provide written no-
21 tice, consistent with Federal **【civil rights/fair housing?】**
22 and nondiscrimination requirements, under subsection (b)
23 to each—

24 “(1)(A) applicant who is selected from the wait-
25 ing list for admission to such federally assisted hous-

1 ing or to such a federally assisted housing program;
2 and

3 “(B) assisted family who moves to a different
4 such federally assisted housing dwelling unit; and

5 “(2) whose household at the time of such selec-
6 tion or move, includes a child of less than 6 years
7 of age who will reside or is expected to reside in
8 such housing.

9 “(b) CONTENTS; TIMING.—Written notice under this
10 subsection shall be in the form developed under subsection
11 (c) that is provided at the time of the selection or move,
12 as applicable, described in subsection (a)(1), that includes
13 information sufficient to describe to the applicant or as-
14 sisted family—

15 “(1) the adverse health effects lead poisoning
16 can have on children under 6 years old;

17 “(2) their rights under the Fair Housing Act,
18 the Americans with Disabilities Act (42 U.S.C.
19 12101 et seq.), section 504 of the Rehabilitation Act
20 (29 U.S.C. 794), title VI of the Civil Rights Act (42
21 U.S.C. 2000d et seq.), and other applicable State or
22 local laws regarding fair housing, including how to
23 file complaints of housing discrimination under such
24 Acts and laws;

1 “(3) the extent of the public housing agency’s,
2 grantee’s, and owner’s, as applicable, responsibility
3 to ensure that their housing is controlled for lead-
4 based paint;

5 “(4) that the rights described pursuant to para-
6 graph (2) should not limit the ability of the appli-
7 cant or assisted family to secure federally assisted
8 housing based on Fair Housing, the Americans with
9 Disabilities Act (42 U.S.C. 12101), section 504 of
10 the Rehabilitation Act (29 U.S.C. 794), or title IV
11 of the Civil Rights Act (42 U.S.C. 2000d et seq.)
12 rights under such paragraph; and

13 “(5) that all children enrolled in Medicaid, in-
14 cluding children enrolled for medical assistance
15 under a State plan under title XIX of the Social Se-
16 curity Act (42 U.S.C. 1396 et seq.) (or a waiver of
17 such a plan) and children enrolled for child health
18 assistance under a State child health plan under title
19 XXI of such Act (42 U.S.C. 1397aa et seq.) (or a
20 waiver of such a plan), are required to receive blood
21 lead screening tests at ages 12 months and 24
22 months and that, in addition, any child between 24
23 and 72 months with no record of a previous blood
24 lead screening test must receive such a screening
25 test.

1 “(c) STANDARD FORM.—The Secretary, [with the
2 assistance of/ in consultation with?] the Secretary of
3 Health and Human Services, and the Administrator of
4 Environmental Protection Agency, shall develop a stand-
5 ard form of the notice required under this section that
6 complies with all of the requirements of this section and
7 shall make such standard form available to public housing
8 agencies, grantees, and owners of federally assisted hous-
9 ing to facilitate compliance with the requirements of this
10 section.

11 “(d) COVERED HOUSING PROGRAMS.—Housing de-
12 scribed in this subsection is housing that is—

13 “(1) specified in subparagraph (A), (B), (C), or
14 (F) of section 580(a)(1); or

15 “(2) assisted under the Housing Opportunities
16 for Persons With AIDS under subtitle D of title
17 VIII of the Cranston-Gonzalez National Affordable
18 Housing Act (42 U.S.C. 12901 et seq.)”.

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated such sums as
21 may be necessary for each of fiscal years [2023 through
22 2027] for—

23 (1) covering administrative, testing, and abate-
24 ment costs of public housing agencies, grantees, and
25 other owners of covered housing in complying with

1 such amendments, including cost of providing notice
2 under section 302(a)(4)(A)(ii)(III)(bb) of the Lead-
3 Based Paint Poisoning Prevention Act (as added by
4 the amendment made by section 3(2) of this Act)
5 and section 579 of the Quality Housing and Work
6 Responsibility Act of 1998 (as added by section 6(3)
7 of this Act);

8 (2) costs of the Department of Housing and
9 Urban Development for training individuals to con-
10 duct risk assessments to be conducted under section
11 302(a) of the Lead-Based Paint Poisoning Preven-
12 tion Act and under the demonstration program
13 under section 4 of this Act;

14 (3) the Office of Fair Housing and Equal Op-
15 portunity of the Department of Housing and Urban
16 Development—

17 (A) for carrying out a national education
18 campaign regarding lead-based paint and Fair
19 Housing Act protections and for tenant out-
20 reach and owner engagement; and

21 (B) for enforcement activities, including
22 activities under the Fair Housing Initiatives
23 Program under section 561 of the Housing and
24 Community Development Act of 1987 (42
25 U.S.C. 3616a); and

1 (4) the Secretary of Housing and Urban Devel-
2 opment to conduct a study of a strategy for the
3 abatement by removal of lead-based paint from all
4 assisted and unassisted housing that is phased in
5 over time.